

## **Minutes    Leesburg Planning Commission    October 19, 2000**

The Leesburg Planning commission met in regular session on Thursday, October 19, 2000 at 7:00pm in Council Chambers, 25 West Market Street, Leesburg, Va. Members present for this meeting were: Chairman G. Glikas, Vice-Chairman C. Vaughan, Commissioners: C. Cable, K. Kearns, D. Kennedy, and K. Umstattd. Absent were: L. Schonberger and L. Werner. Staff members present for the meeting were: Brian Boucher, Delane Parks, Lee Phillips, Jennifer Moore.

Chairman Glikas welcomed Jennifer Moore the new Clerk for the Planning Commission.

### **Minutes of October 19, 2000 Public Hearing:**

#### **Petitioners:**

John Ross – 417 Waterford Road, NW.

Mr. Glikas explained that Mr. Ross has been asked to come before the Planning Commission to give information on the transportation routes for the bus system in the Town.

Mr. Ross presented a map of bus schedules to the Planning Commission for their information. He stated that this schedule started out with three different buses going out for an hour and then coming back and now they have three buses going out and doing six routes in under an hour.

Mr. Ross stated that Loudoun Transit has covered 150,000 miles just in the Town over the last seven years.

Mr. Ross stated that the hub is proposed to be on Harrison Street near the Loudoun County Government Center. He is hoping that they will allow one side of Harrison Street in front of the building to be used.

Mr. Ross stated that the proposed cost is .50 cents and theoretically no passenger should be more than 45 minutes from where they want to be even if they have to transfer. He stated that there are about 80 scheduled stops right now. They will not be timed stops if a passenger is there the bus will stop if not it will proceed on to the next stop.

The Commission thanked Mr. Ross for his time and effort he has put into this project.

Mr. Bob Rable, with the Information Technology Commission. He is trying to find out what kind of technology tools that the Planning Commission and other Boards and Commissions can use to help at their meetings. He stated that they are looking at putting a PC in the rooms that hold meetings are held in along with Internet connection and video capabilities. Mr. Rable stated that they are also looking at doing an internal and external web page within the Town.

Mr. Rable has done a survey asking what types of things the Commission would like to see done to help get more information out to the public regarding meetings. Chairman Glikas asked if they were looking into placing the Town Plan and Zoning Ordinance on the Web for the public to view. He stated that they are looking at what makes sense to be put on the Web. They are also looking at selling Town stickers on the Web through E-Commerce, so any suggestions that the Commission may have would be very helpful.

Chairman Glikas stated that he would like to see the Town Plan on the Web as well as basic Town information along with maps of the Town.

Commissioner Kerns stated that she would like to see the same information, however she has concerns about placing the minutes on the Web prior to approval.

Chairman Glikas did not want the minutes to be placed on the Web page unless they were approved.

Commissioner Cable suggested a summary of action taken in lieu of the entire minutes. She stated that since she has been on the Commission she has been touting the need for better and more complete maps, particularly property identification and zoning maps, so that when a case is before the Commission the members can look at a detailed map.

Councilmember Umstattd would like to see the Comprehensive Plan, Town Plan and Town Zoning Ordinance available on the Web as well as a summary of minutes prior to approval and then a complete set after approval.

Commissioner Vaughan stated that he would like to have the Web site be interactive for such things as applications and permits.

Commissioner Kennedy thanked Mr. Rable for coming before the Commission with this information.

Chairman Glikas stated that he would like to see connections for computers for the applicants, staff and Commissioners.

Commissioner Cable asked if the issue of fiber optic cable extension has been sent to the IT Committee to look at to provide connections throughout the Town.

Mr. Rable stated that it has not been referred to his Committee at this time. Mr. Rable stated that they are looking at all of the Town offices as a whole.

Commissioner Cable stated that what she is hearing is that it has not been referred to the IT Committee for a study. Mr. Rable stated that that was correct. He stated that they have been working on getting the internet and intranet set up within the Town and now are starting to look at getting more information to outside sources.

Councilmember Umstattd asked if the Council has given the Committee the direction that they need. Mr. Rable stated that he believes that they have, it is just a matter of addressing the issues.

### **Councilmanic Report:**

Councilmember Umstattd stated that the Annexation Area Development Policy (AADP) Committee met this week specifically on the Leesburg Commons application and discussed the issue of whether the AADP Committee should recommend amending the AADP's to allow the type of retail office mix that that type of application suggests. The vote was unanimously not to amend the AADP's, however the Councilmembers seemed to be united in their intention that this vote by the AADP Committee not terminate this application, but that the Town continue to work with the applicant to try and achieve more office rather than less, better phasing for office and perhaps some transportation improvements that the Commission is concerned about.

Councilmember Umstattd stated that she would like to have an intersection built that would have an attractive either stone or brick faced bridge across trails with the pedestrian walkway on either side of the roadway and old fashioned street lights. She stated that the applicant said that he would consider it.

Commissioner Cable asked if there are any guidelines for the Planning Commission and Town Council as to when a zoning case is presented to the AADP Committee. She stated that some guidance earlier would have been helpful.

Councilmember Umstattd stated that that issue came up and in general the County felt that it would have been much more helpful if this issue had come before the AADP Committee sooner. She stated that she does not know if there are any guidelines she would have to read the AADP's

Commissioner Cable stated that she did not know what those were and does not remember reading them.

Commissioner Kearns stated that there had been a report in the original packets.

Councilmember Umstattd stated that there was a meeting in March and there was a report placed in the packets to the Commission at that time.

Councilmember Umstattd stated that there is some disagreement between the Town's attorney and the County Attorney as to whether the vote of the AADP Committee is binding on the Town Council. The Town's Attorney sees it as a serious but advisory vote and says that the Council could still choose to go against that recommendation, however the County's Attorney felt that it would be binding and he referred to a court order that set up the AADP.

**Public Hearings:**

None

**Subdivision and Land Development Plan:**

None

**Zoning Items**

None

**Comprehensive Planning Items**

**A. S.E. 2000-07 Royal Plaza Self-Storage.**

Mr. Phillips, Chief of Current Planning for the Town of Leesburg, stated that this item has been before the Commission twice in the past and believes that the Commission is well acquainted with the application. He went on to address some concerns that were raised at the last Public Hearing. Mr. Phillips stated that the first concern was from a neighboring property owner, Mr. Chin, his concern was buffering. The applicant has revised the plan to give an additional 20-foot of buffering along the rear property line, which addresses Mr. Chin's concern regarding the buffer. There was also a concern with the entrance, which the applicant addressed by taking away all of the entrance information from the front of the property so that the only entrance that is shown is for the mini storage units. The entrance from Mr. Chin's property could either be handled by inter-parcel access along the proposed mini storage unit or Mr. Chin can have a separate entrance on his own property.

Mr. Phillips stated that the other concern that was raised had to do with Architectural Control. He stated that Ms. Kearns had asked for a copy of the conditions for the mini storage unit, which he included in the packets. It was his

understanding that the Town Attorney had handed out a copy of his legal opinion at the joint public hearing on October 17, 2000.

Mr. Phillips stated that he would like to skip over the Architectural policy at this point in the meeting and move on to the next issue which was infill, because several of the Commissioners did not believe that the project would meet the infill policy and if more than three Commissioners believe that it does not meet the infill requirement there is no need to discuss Architectural Control.

Councilmember Umstattd stated that it was her recollection that the issues were that the Town Plan stated that infill development should be compatible with surrounding uses and the surrounding uses are the hotel and some office and the question is whether this is really compatible.

Commissioner Cable asked who owns the property to the East and if something has been applied for regarding that property. Mr. Phillips stated that the owners of the vacant property between the Racquet Club and the property in question have not filed an application for development; however, very preliminary discussions have taken place about locating a hotel on that property.

Commissioner Cable asked if this application would preclude accessibility to potential infill development on the vacant site. Mr. Phillips stated that it would not because it would have direct access onto Fort Evans Road.

Commissioner Cable stated that there is a section in the Town Plan that refers to moderate scaled commercial development and would like to know if the scale of this development is compatible with some of the older buildings. Mr. Phillips stated that there was concern with the length of one of the building and to address that concern the applicant has broken it down into two separate buildings.

Commissioner Kearns asked that the Commissioners only speak about the infill development at this time and not the size of the building.

Chairman Glikas stated that staff is recommending approval of this application and therefore believe that it meets the infill requirement. Mr. Phillips state that that is correct.

Commissioner Kearns stated that she does not believe that the application compliments existing development nor does it serve as a transition as outlined in the Town Plan. She believes that it would be compatible where there are other warehouse units or office units with docks in the area and that is not the case with this application. She also does not believe that it serves as a transition between incompatible uses as outlined in the Town Code.

Commissioner Kennedy stated that it is his belief that in some cases a storage facility is almost the perfect transitional facility. Especially along the West Coast

where land is used this way for a period of decades with relatively inexpensive buildings, giving the land a chance to appreciate in value and then there is a piece of land that can be raised and true offices or a higher use can be used.

Commissioner Kearns stated that the examples that Commissioner Kennedy is referring to are not located in a Town's historic district where the Town is trying to preserve its history and character. She stated that what Commissioner Kennedy is describing is an industrial park.

Commissioner Vaughan stated that his is torn, but he does not see this proposal as any different than a car lot or a recreational facility. He believes that it is infill and does not have an issue with it.

Chairman Glikas asked the staff to move on to the Architectural Control issues. Mr. Phillips stated that the Town Attorney has submitted a legal opinion that says that the Commission can impose reasonable conditions on the design of the project. Mr. Phillips recommended that the Commission give the applicant a chance to address the Commission regarding the Architectural Guidelines for this project.

Chairman Glikas asked the applicant to come forward to address the Commission. Mr. Chamberlin came forward to speak. He stated that he has no problem with some type of restriction; however, he would request that he not have to go before the Architectural Review Board.

Mr. Chamberlin stated that he has agreed to masonry exterior, A-frame roofs, no mechanical equipment on the roofs and many other restrictions. He has resisted being impacted by the Architectural Review Board. Mr. Chamberlin stated that he believes that it is compatible with the surrounding area because his proposal for the front sites is for an office building and the other for a storefront and he intends to own them all. He stated that this use would have zero impact on the surrounding area for the foreseeable future.

Mr. Chamberlin stated that he does not want to participate in Architectural Review Board hearings and does not want to receive a color command from that source. Chairman Glikas stated that there are two options available; one is to submit fully to review by the Board, the other is to yield to their color schemes.

Mr. Chamberlin stated that if the Board submits a color pallet and he is to choose colors from this list then he is willing to participate to the extent that there are no public hearings.

Chairman Glikas asked Mr. Phillips if he would add another condition to the motion for approval. Mr. Phillips added, "the applicant agrees to select from a list of color schemes provided by the Board of Architectural Review without the need for the applicant to appear before the Board of Architectural Review."

Mr. Phillips stated that it is his understanding that there will be several schemes submitted to the applicant and each scheme will consist of several compatible colors. Mr. Chamberlin agreed.

Commissioner Cable stated that she appreciates all of the work that the applicant has done with the Town. She would like to ask Mr. Phillips one more time if he is comfortable recommending approval given the questions raised regarding infill. Mr. Phillips stated that he is comfortable with his recommendation for approval of this application and believes that it is a compatible use and believes that in time the facility will be well screened.

Chairman Glikas stated that he was very concerned with the infill issue and he believes that his concerns have been addressed and he feels like he can move a long.

Commissioner Kennedy made a motion to recommend of the motion as presented by Mr. Phillips, adding a 10<sup>th</sup> condition that the applicant select from a list of color schemes provided by the Board of Architectural Review, without the need for the applicant to appear before the Board.

Commissioner Kennedy thanked the applicant for working with the Town.

Commissioner Cable stated that in light of the fact that the staff feels strongly that this is compatible she will support the motion.

Commissioner Kearns thanked the applicant, especially for his concession on the colors.

The motion was seconded and approved with all voting aye, including the Chair.

#### **B. S.E. 2000-08 – Loudoun Sport and Health Club**

Mr. Parks, Planner II for the Town of Leesburg, gave a presentation for this application to the Commission.

Mr. Parks stated that the applicant is proposing the construction of 117 parking spaces along the front of the property on Fort Evans Road to partially accommodate the parking requirements to an existing commercial recreation facility and proposed building expansion.

Related to the proposal but not a direct requirement of the Special Exception application in terms of the use are as follows,

- Existing commercial recreational facility, which is 60,000 square feet

- A building expansion of 35,000 square feet
- 60 other parking spaces proposed to accommodate the existing building

Mr. Parks stated that the only item before the Commission in terms of the special exception is the 117 parking spaces in the front of the site.

Mr. Parks gave an overview to the Commission of the site of the proposed application.

Mr. Parks stated that it is staff's opinion that the proposed use is compatible with surrounding areas as outlined in the Town Plan.

Mr. Parks stated that in the Engineering Comments section on the staff report the recommendation is for disapproval. This recommendation is given because of the concerns that the Engineering Department has on whether what is proposed will actually work.

Mr. Parks stated that the staff spoke with the applicant prior to the Public Hearing and it appeared that the applicant was willing to work with staff to address the issues that the staff has on this application.

Mr. Parks stated that the Planning Commission would need to provide a recommendation to Town Council by November 14, 2000 in accordance with the time requirements as outlined in the Town Code.

Commissioner Kennedy stated that he is not ready to deal with this application if staff is not comfortable with recommending approval for the application.

Mr. Paul Gauthier, Chief of Plan Review in the Engineering and Public Works Department for the Town. Mr. Gauthier asked to address Commissioner Kennedy's concerns. He stated that the application was reviewed and the comments were given to the applicant this week and the applicant and staff simply did not have a chance to meet. Mr. Gauthier stated that Mr. Minchew, representative for the applicant, has agreed to provide more information to the Engineering Department.

Commissioner Kennedy stated that he sees no point in discussing the application if it is not complete, he believes that the application should be deferred to the November 2<sup>nd</sup> public hearing, after the requested changes have been made and staff is more comfortable with the application. Mr. Gauthier stated that since the Commission does not have work sessions, it would be helpful to discuss some of the issues tonight so that the next public hearing runs more smoothly.

Mr. Parks stated that he would like to outline some of staffs concerns that could have an impact on the application. One concern was if a storm water management pond needed to be placed on the property, how could it be done and

still accommodate the parking and build the building as proposed. The staff would need assurances on the plat or in the approval language, that if there is a problem on the site plan and changes need to be made, the applicant may have to lose some building size on the addition in order to meet the requirements. Another site plan issue would be the alignment of the entrance.

Mr. Parks went over each of the conditions placed on the application along with staff concerns with the Commission. Mr. Parks also went over sidewalk access from the parking lot to the main facility, tennis courts and pool.

Commissioner Cable asked if there would be sidewalk access from people who would walk to the facility. Mr. Parks stated that there is a sidewalk proposed for the front of the property, so that anyone walking to the facility would have a sidewalk to walk along. He stated that it is not something that is shown at this time and would not normally be shown until the site plan review by staff. Mr. Parks also stated that as part of the site plan requirements the applicant would be required to provide frontage improvements and as part of the improvements a sidewalk would be required.

Chairman Glikas stated that he is concerned about whether or not this parking area will provide a significant amount of parking required for this use. He does not want to have cars parking on Fort Evans Road. Mr. Parks stated that it meets the ordinance requirement for parking.

Commissioner Vaughan stated that he has concerns with the location of the parking. He stated that he is a proponent of having parking to the rear of the building. Commissioner Vaughan stated that he believes that having a parking lot in front of the building would place a hardship on the residences across the street. Mr. Parks stated that one thing that the Commission should look at in addressing that concern is that the Police Department did provide a comment section and one comment that was made is that they preferred parking, from a security standpoint, along the road.

Chairman Glikas stated that he does not want to have any parking or loading to the side of the building, for safety reasons related to the pool.

Commissioner Cable stated that the Police report was very helpful and she hopes that they will continue to respond in the future. She also stated that she does not like to have the plat designated as the Special Exception plat without having the actual area of the Special Exception designated on the plat. Mr. Parks agreed to have that area designated.

Mr. Minchew, representative for the applicant, came forward to speak. Mr. Minchew stated that when the property was purchased it was realized that some investment would be needed to keep up with the demand for this type of facility in the area and the applicant is now ready to make that investment.

Chairman Glikas stated that he just wants to make sure that the facility will have adequate parking for this type of facility. Mr. Minchew stated that Sport and Health runs 25 facilities in this region and is well aware of the demand for parking and is willing to work with the Town, because it is in their best interest as well as the Towns.

### **Old and New Business**

Mr. Brian Boucher, Zoning Administrator for the Town stated that he would like to have the Commission vote on the Special Exception for the I-1 District. He stated that in the joint public hearing with the Town Council and Planning Commission, the Council requested that this item be placed on the October 31, 2000 agenda. He would now request that the Planning Commission vote on the draft motion presented by staff.

Mr. Boucher stated that the Town received five e-mails supporting the amendment and did not receive any negative responses to this amendment.

Mr. Boucher made a brief presentation for the Special Exception for the I-1 District.

Councilmember Umstattd stated that she is impressed with the work that Mr. Boucher and staff have done on this application.

Commissioner Cable stated that this is a need to correct a void in the Ordinance and she will support the motion, however, normally she would vote to defer Zoning Ordinance Amendments until the complete revision of the Ordinance is before the Commission.

Commissioner Cable made a motion to recommend to Town Council that Leesburg Zoning Ordinance, Section 42, be amended to include the language initiated by Council and forwarded to the Commission in Resolution 2000-171 and as shown in the memo to the Planning Commission dated October 17, 2000.

The motion was seconded and approved with all voting aye, including the Chair.

Chairman Glikas requested a revised list of the Commissioners addresses, phone numbers and e-mails. He also requested a copy of the Town directory on disk.

Chairman Glikas stated that he would like to elect a Parliamentarian to the Commission. He would also like the staff to find out if there is a code of ethics available on disk. Chairman Glikas also requested that staff set up a work session for the Commissioners to get together to have friendly dialogue and not discuss

issues of the Town. He would also like to discuss the by-laws at this work session as well.

Mr. Tom Dunn with the Economic Development Commission came forward to speak to the Commission. He stated that their Commission will have regular attendance at the Planning Commission meetings and should the Commission need any assistance they will be available.

### **Committee Reports**

The Chairman asked for a motion to adjourn. It was moved and seconded. The motion passed. The meeting was adjourned.